

REMARKS

This Application has been reviewed carefully in light of the Final Office Action mailed March 24, 2004 ("*Final Office Action*"). Claims 1-21 were pending in the Application and stand rejected. Applicant amends independent Claims 1, 11, and 21. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §103

Claims 1-6, 8-10, 11-16, and 18-21

The Examiner rejects Claims 1-6, 8-10, 11-16, and 18-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,083,277, which issued to Fowlow, et al. ("*Fowlow*"), in view of U.S. Patent No. 6,643,843, which issued to Reger ("*Reger*"). To establish obviousness of a claimed invention under §103, all claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03.

Applicant's independent Claim 1, as amended, recites:

A method, comprising the steps of:
providing a set of predetermined function definitions, at least one of said predetermined function definitions defining a function for manipulating image data;
preparing a project definition, said project definition operable when executed to process said image data and including: a plurality of function portions which each correspond to one of said function definitions in said set, and which each define at least one input port and at least one output port that are functionally related according to the corresponding function definition; a further portion which includes a source portion identifying a data source and defining an output port through which said image data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which said image data can be supplied to the data destination; and binding information which includes binding portions that each associate a respective said input port with one of said output ports; and
transmitting through a communications link from a first end thereof to a second end thereof a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link;
wherein said execution of the project definition operates at least in part to manipulate said image data according to said one predetermined function definition.

Applicant respectfully submits that *Fowlow* in view of *Reger* fails to teach or suggest every element of this Claim.

Among other aspects of Claim 1, *Fowlow* in view of *Reger* fails to teach or suggest “wherein said execution of the project definition operates at least in part to manipulate said image data according to said one predetermined function definition.” Applicant respectfully submits that neither *Fowlow* nor *Reger* comes close to teaching or suggesting this element.

Furthermore, *Fowlow* in view of *Reger* fails to teach or suggest “a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link.” The Examiner admits that *Fowlow* fails to disclose this element. *Final Office Action*, page 4. However, as teaching this element the Examiner relies upon *Reger*. In general, *Reger* discloses systems and processes for updating program memory of embedded systems such as bill acceptors in vending machines. *Reger*, Abstract and Figure 2. The Examiner cites the following discussion in *Reger*:

In a download step 56, the portable update probe downloads new program code to the CPU utilizing the optical link. Next, in an update step 58, the CPU updates the contents of the flash memory with the new program code received from the update probe. In step 60, the CPU begins to execute the new program code from the flash memory.

Nowhere does *Reger* teach or suggest the project definition specified in Claim 1. Instead, *Reger* discusses programs stored in flash memory of products with dedicated applications. *Reger*, Col. 1, lines 14-34. Thus, *Fowlow* in view of *Reger* fails to teach or suggest “a communication from a user which causes one of storing and execution of the project definition at said second end of the communications link.”

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow* and *Reger* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. To sustain the rejection under §103, the Examiner must point to some teaching, suggestion, or motivation in the prior art to combine or modify references to produce the claimed invention. M.P.E.P. §2143.01. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). “The mere fact that references can be combined or modified does not render the

resultant combination obvious unless the prior art also suggests the desirability of the combination.” M.P.E.P. §2143.01 (emphasis in original). Thus, the mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in *Fowlow* or *Reger* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination.

For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claim 1. For substantially similar reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claims 11 and 21.

Claims 2-6 and 8-10 depend from Claim 1, and Claims 12-16 and 18-20 depend from Claim 11. Thus, because these claims depend from Claims shown above to be allowable over *Fowlow* and *Reger*, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 2-6, 8-10, 12-16, and 18-20.

Applicant’s dependent claims further highlight deficiencies in the cited references. For example, Claim 2 recites “wherein said preparing step is carried out at said first end of said communications link, and wherein said transmitting step includes the step of including said project definition within said communication transmitted through said communications link.” As teaching this element, the Examiner cites Figure 10 and column 18, lines 47-55 of *Fowlow*, which show and discuss a computer system with a central processing unit (CPU) that might be coupled to a telecommunications network using a network connection. The Examiner then quotes *Fowlow*: “With such a network connection, it is contemplated that the CPU might receive information from the network, or might output information to the network in the course of performing the above-described method steps.” *Final Office Action* at page 5 (quoting *Fowlow*, Col. 18, lines 49-53). However, the receiving of information from a network and the outputting of information to a network simply fail to show “wherein said preparing step is carried out at said first end of said communications link, and wherein said transmitting step includes the step of including said project definition within said communication transmitted through said communications link.”

Furthermore, *Reger* fails to provide this missing element. *Reger* discloses a portable optical probe that a “normal route person” can point to optical transceiver probe ports on vending machines to update program memories of the vending machines. *Reger*, Col. 4, lines

36-41. *Reger* discloses that one advantage of using the portable optical probe is that skilled technicians would not have to be sent to the vending machine with “his computer or replacement ROM in hand.” *Id.* at Col. 4, lines 26-28. Thus, nowhere does *Reger* disclose that “said preparing step is carried out at said first end of said communications link, and wherein said transmitting step includes the step of including said project definition within said communication transmitted through said communications link.”

For substantially similar reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 12 and 21.

Claims 7 and 17

The Examiner rejects Claims 7 and 17 under 35 U.S.C. §103(a) as being unpatentable over *Fowlow* in view of *Reger* and further in view of U.S. Patent No. 6,493,870, which issued to Madany, et al. (“*Madany*”). These Claims depend from Claims 1 and 11 respectively, which are shown above to be patentable over *Fowlow* in view of *Reger*. The introduction of *Madany* fails to provide the elements of Applicant’s Claims 1 and 11 not shown by *Fowlow* in view of *Reger*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 7 and 17.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be currently due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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